

COMMISSIONERS
MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

ORIGINAL



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ARIZONA CORPORATION COMMISSION

22

DATE: NOVEMBER 1, 2007

DOCKET NO: T-04023A-07-0095

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Belinda Martin. The recommendation has been filed in the form of an Order on:

RURALWEST – WESTERN RURAL BROADBAND, INC.
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

NOVEMBER 13, 2007

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

NOVEMBER 27, 2007 and NOVEMBER 28, 2007

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

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BRIAN C. McNEIL
EXECUTIVE DIRECTOR

Arizona Corporation Commission
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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 MIKE GLEASON - Chairman
4 WILLIAM A. MUNDELL
5 JEFF HATCH-MILLER
6 KRISTIN K. MAYES
7 GARY PIERCE

8 IN THE MATTER OF THE APPLICATION OF
9 RURAL WEST—WESTERN RURAL
BROADBAND, INC., FOR THE
CANCELLATION OF THE CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE LOCAL COMPETITIVE SERVICES.

DOCKET NO. T-04023A-07-0095

DECISION NO. _____

ORDER

10 Open Meeting
11 November 27 and 28, 2007
12 Phoenix, Arizona

BY THE COMMISSION:

13 Having considered the entire record herein and being fully advised in the premises, the
14 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

15 **FINDINGS OF FACT**

16 1. RuralWest—Western Rural Broadband, Inc. ("Applicant"), has a Certificate of
17 Convenience and Necessity ("Certificate") to provide local competitive services in the State of
18 Arizona pursuant to Decision No. 65421 (November 20, 2002).

19 2. On February 13, 2007, Applicant filed with the Commission an application for
20 cancellation of its Certificate. Applicant indicated that it has no customers in the State of Arizona and
21 has never provided service in Arizona.

22 3. On March 15, 2007, the Commission's Utilities Division Staff ("Staff") filed its Letter
23 of Insufficiency and First Set of Data Requests ("Letter").

24 4. On March 23, 2007, the Applicant filed its responses to the Letter.

25 5. On September 21, 2007, Staff filed its Staff Report recommending cancellation of the
26 Applicant's CC&N.

27 6. The Consumer Services Section of the Utilities Division of the Commission reports
28 that there are no outstanding complaints against the Applicant.

7. The Corporations Division of the Commission stated that the Applicant is in good standing in Arizona.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. The cancellation of Applicant's Certificate is in the public interest.

4. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding local competitive services Certificates without a hearing.

5. Staff's recommendation is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the application of RuralWest—Western Rural Broadband, Inc., for the cancellation of its Certificate of Convenience and Necessity to provide local competitive services shall be, and is hereby, approved, and the Certificate of Convenience and Necessity is cancelled.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, DEAN S. MILLER, Interim Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2007.

DEAN S. MILLER
INTERIM EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR:

RURALWEST—WESTERN RURAL
BROADBAND, INC.

2
3 DOCKET NO.:

T-04023A-07-0095

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